REMARKS

I.   Introduction

Claims 1-24 are currently pending in this application. Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muret[1], Tsuchida[2], and Miller[3]. Applicants respectfully submit that the pending claims are patentable over Muret, Tsuchida, and Miller for reasons presented below.

II.   Recent Procedural Background

Claims 1-24 were previously rejected under 35 U.S.C. § 103(a) based on a proposed combination of Muret and Tsuchida. Following this rejection, Applicants submitted amended claims and accompanying remarks explaining why the amended claims were patentable over the proposed combination of Muret and Tsuchida. In response to Applicants' remarks, the current Office Action withdraws the previous rejection, stating that "Applicant's arguments, see pages 8-9 of the remarks filed 3/26/07,...have been fully considered and are persuasive" (*See*, the Office Action, p. 2, lines 3-5.) The current Office Action again rejects claims 1-24 under 35 U.S.C. § 103(a), this time relying on a proposed combination of Muret, Tsuchida, and Miller.

III. Response to Present Rejections

The addition of the Miller reference fails to overcome the deficiencies in the previously proposed combination of Muret and Tsuchida for at least the following reasons: (1) it would not have been obvious to use the MDIFF function of Miller in the way that the MDIFF function is used in the claimed invention, and (2) the proposed combination of Muret, Tsuchida, and Miller still lacks several features included in claims 1-24.

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[1] U.S. Patent Application Publication No. 2002/0042821
[2] U.S. Patent No. 6,026,394
[3] International Patent Application No. WO 00/20998 Published Under the Patent Cooperation Treaty

Regarding (1), the Examiner is referred to an accompanying declaration submitted by inventor James R. Pricer under 37 C.F.R. § 1.132 ("the Declaration"). As described in the Declaration, it would not have been obvious to use the MDIFF function of Miller in the manner that a moving difference function is used in the claimed invention for at least the following reasons.

As described in the Declaration, "Miller discloses the general architecture of the Teradata database management system. Along with many other functions that are built-in to the Teradata system, the moving difference function MDIFF has long been a feature incorporated in the system." (See, the Declaration, sec. 12) At the time that the patent application was filed, the inventors were "aware that the database management system included an MDIFF function performing a moving difference calculation such as that described in Miller". (*Id.*, sec. 13)

As further described in the Declaration, the specification of the patent application specifically contemplates the existence of a moving difference function MDIFF as described in Miller. (*Id*, sec. 14) In particular, the specification "refers specifically to Teradata's database management system, and more particularly, to the MDIFF function in NCR/Teradata's database management system".

While acknowledging prior awareness of the MDIFF function in Teradata's database management system, Mr. Pricer describes why "the use of MDIFF in the claimed invention is the very opposite of the description of MDIFF in the Teradata manual and in Miller". (*Id*, sec. 18) Further, Mr. Pricer explains why "one would not have known or have been motivated to utilize the MDIFF functionality to track the session of an Internet user" prior to the claimed invention. (*Id.*, sec. 19) In particular, Mr. Pricer notes that the Teradata Manual "taught away from this type of use" as follows:

> "the manual provides that MDIFF was designed to compare
> activity for some variable across fixed times (e.g., monthly,
> weekly or quarterly); not to consider time itself as the
> variable. I, along with my co-inventor, have found that
> utilizing the moving difference functionality in a parallel plural

processing database management system provides
unexpected results when applied in the context of tracking
Internet activity." (*Id.*)

In view of the reasons provided in the Declaration, the claimed invention would not have been obvious in view of Muret, Tsuchida, and Miller. Accordingly the current rejection of claims 1-24 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Regarding (2), because the Office Action relies on the Miller reference based solely on its brief disclosure of a moving difference function MDIFF, the Office Action's proposed combination of Muret, Tsuchida, and Miller still lacks several features included in claims 1-24. (*See*, the Office Action, p. 3, last paragraph)

As explained in Applicants' prior remarks submitted on March 26, 2007, neither Muret nor Tsuchida, taken singly or in combination, discloses a method or database system where (i) data from a plurality of transaction logs of a plurality of Internet servers is loaded into a database system managed by plural parallel processing modules, and (ii) a database query is executed across the parallel processing module using a moving difference database management function to identify a user's clickstream. (*See*, Response dated 3/26/07, p. 8, paragraph 3)

As further explained in Applicants' prior remarks, Muret fails to disclose (i) because Muret lacks (a) use of parallel processing modules and (b) loading data from a plurality of transaction logs of a plurality of Internet servers into a database system. (*Id.*, p. 8, paragraph 4) In addition, Muret fails to disclose (ii) because Muret lacks (a) the moving difference database management function and (b) parallel execution of a database query. (*Id.*, p. 9, paragraph 2)

As still further explained in Applicants' prior remarks, Tsuchida fails to disclose (i) because Tsuchida lacks "loading data from a plurality of transaction logs of a plurality of Internet servers into a database system", and Tsuchida fails to disclose (ii) because Tsuchida lacks the moving difference database management function. (*Id.*, p. 9, paragraph 3)

Like Muret and Tsuchida, Miller also fails to disclose (i). In particular, Miller fails to disclose loading data from a plurality of transaction logs of a plurality of Internet servers into a database system. Also like Muret and Tsuchida, Miller also fails to disclose (ii). In particular, although Miller discloses a moving difference function MDIFF, the moving difference function MDIFF of Miller is not used to identify a user's clickstream and it would not be obvious to use MDIFF in this way, as described above with reference to Mr. Pricer's Declaration.

Because the Office Action's proposed combination of Muret, Tsuchida, and Miller still lacks several features included in claims 1-24, the current rejection of claims 1-24 under 35 U.S.C. § 103(a) is improper and should be withdrawn.

IV.   Conclusion

No other issues remaining, Applicants respectfully submit that the claims as currently amended are in condition for allowance.

A petition for a two (2) month extension of time is included with this submission. Please charge any additional fees or credit any overpayments to Deposit Account No. 50-2283, under Order No. 64772-8006.US00 from which the undersigned is authorized to draw.

Dated: October 31, 2007   Respectfully submitted,

By /Michael A. Oblon/
Michael A. Oblon
   Registration No.: 42,956
PERKINS COIE LLP
607 Fourteenth Street, N.W.
Washington, DC 20005-2011
(202) 628-6600
(202) 434-1690 (Fax)
Attorney for Applicants